

Attorney Docket: 081468-0306683
Client Reference: P-1631.010-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: JEUNINK et al. Confirmation Number: 8058

Application No.: 10/712,264 Group Art Unit: 2851

Filed: November 14, 2003 Examiner: Fuller, Rodney Evan

Title: LITHOGRAPHIC APPARATUS, DEVICE MANUFACTURING METHOD, AND COMPUTER-READABLE STORAGE MEDIUM

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the Patent Term Adjustment indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) dated March 10, 2006, for the above-identified application.

37 C.F.R. § 1.705(b)(1) – The undersigned authorizes the charging of Deposit Account No. 03-3975 in the amount of \$200.00 for this application.

37 C.F.R. § 1.705(b)(2) – Statement of the facts involved:

37 C.F.R. § 1.705(b)(2)(i) – The correct patent adjustment for the above-identified application is 49 days.

37 C.F.R. § 1.705(b)(2)(ii) - The above-identified application was filed November 14, 2003. Fourteen months from the filing date was January 14, 2005. A first Office Action on the merits was mailed March 4, 2005, 49 days after the fourteen month date. Under 35 U.S.C. §

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154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), the above-identified application is entitled to a patent term adjustment for this examination delay.

37 C.F.R. § 1.705(b)(2)(iii) – Although the claims were rejected under the judicially created doctrine of obviousness-type double patenting, Applicants' response overcame the rejection and the above-identified application is not subject to a terminal disclaimer.

37 C.F.R. § 1.705(b)(2)(iv)(B) - The March 4, 2005 Office Action contained an error in the applicable prior art reference, making it impossible for Applicants to reply to the Office Action correctly. Applicants representative contacted the Examiner on April 5, 2005 and requested clarification of the applied prior art reference.

The Examiner issued a new Office Action on April 22, 2005 and restarted the shortened statutory period for reply. See page 2 of the April 22, 2005 Office Action.

Applicants timely replied to the April 22, 2005 Office Action on July 21, 2005. No extension of time was necessary. The July 21, 2005 response did not constitute a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application because it was timely filed, without extension, in response to the April 22, 2005 Office Action.

Attached hereto are is the Patent Application Information Retrieval (PAIR) page for the above-identified application which clearly shows that the April 22, 2005 Office Action reset the shortened statutory period for reply.

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Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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Date: May 23, 2006

Attachment: PAIR page